



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/585,277	12/02/2008	Andrew R. Barron	11321-P080WOUS	2418	
61060	7590	12/21/2011	EXAMINER		
WINSTEAD PC		RUSSEL, JEFFREY E			
P.O. BOX 50784		ART UNIT		PAPER NUMBER	
DALLAS, TX 75201		1654			
		MAIL DATE		DELIVERY MODE	
		12/21/2011		PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1. The proposed amendment after final rejection filed December 9, 2011 will not be entered because it does not comply with 37 CFR 1.121(b) and (c). In particular, the proposed specification amendments do not accurately mark with underlining and strike-through all changes being made to the amended paragraphs as required by 37 CFR 1.121(b)(1)(ii). For example, in the proposed amendment to paragraph [0024], “FIGURE” has been changed to “FIG.” without the change being marked. In the proposed amendment to paragraph [0048], line 3 of the paragraph, a period has been inserted after “-10°C” without the change being marked. In the proposed amendment to paragraph [0052], second-to-last line of the paragraph, “FIGURE” has been changed to “FIG.” without the change being marked. In the proposed amendment to page 13, line 4, of the specification, a hyphen has been omitted from after the Gly residue at position 7 of the peptide without the change being marked. (These errors likely arose because, in preparing the amendment, Applicants copied from a text file of the corresponding U.S. Patent Application Publication rather than from the specification as actually filed with the Office. The two are different documents.) The proposed claim amendments use a status identifier “(Previously Cancelled)” which is not one of the status identifiers authorized by 37 CFR 1.121(c). The proposed claim amendments do not accurately mark with underlining, strike-through and/or double brackets all changes being made to the claims as required by 37 CFR 1.121(c)(2). For example, the period at the end of proposed claim 3 is underlined even though the period is present in the immediate prior version of the claim. At proposed claim 6, line 4, single brackets rather than double brackets are used to delete a bond sign.

The proposed amendment after final rejection filed December 12, 2011 has not been entered. However, Applicants should keep in mind that proposed new claims 23-25 retain their

claim numbers even though they have not been entered. See 37 CFR 1.126. If Applicants submit another amendment after final, any new claims contained in such an amendment must be numbered beginning with “26”.

2. The proposed Sequence Listing filed December 9, 2011 raises the following new issues requiring further consideration: SEQ ID NO:1 as set forth in the proposed Sequence Listing is not the same as SEQ ID NO:1 as set forth at page 12, lines 12-13, of the specification. Except for the upper-most peptide shown in proposed Figure 12, SEQ ID NOS:3 and 4 of the proposed Sequence Listing do not correspond to the peptides shown in the Figure. The second sequence in the Figure should have an additional amino acid residue Xaa at the N-terminus of its listing. The third and fourth sequences in the Figure must not be split into two halves for purposes of the Sequence Listing.

The computer readable form of the Sequence Listing filed December 9, 2011 was approved by STIC for matters of format.

3. The proposed Replacement Sheet of drawing for Figure 12 filed December 9, 2011 raises the following issues requiring further consideration: The second, third, and fourth sequences in the Figure do not correspond to SEQ ID NOS:3 and 4 as defined in the proposed Sequence Listing. See section 2 above.

4. The proposed amendments to the specification filed December 9, 2011 raise the following new issues requiring further consideration: The proposed amendment to paragraph [0024] inserts a SEQ ID NO which is not present in the proposed Replacement Sheet of drawing for Figure 12. SEQ ID NO:1 does not correspond to any amino acid sequence present in Figure 12.

5. The proposed amendments to the claims raise the following new issue: At proposed claim 17, page 9 of the response, lines 4-5, there are two commas between the structural formula and “wherein”. At proposed claim 17, page 10 of the response, lines 4-5, there are two commas between “group” and “and”.

6. Concerning section 5 of the final Office action mailed September 9, 2011, the amino acid sequence identified as Fullerene Peptide I at page 12, lines 12-13, still does not correspond to the same peptide as shown in Figure 12.

7. Concerning section 6 of the final Office action mailed September 9, 2011, the proposed Sequence Listing would still contain new matter because of its definition of SEQ ID NO:1. SEQ ID NO:1 as defined in the Sequence Listing does not occur anywhere in the original disclosure of the invention. The proposed Sequence Listing would overcome the new matter objection directed to the presence of “any linker molecule” in the Sequence Listing filed August 15, 2011.

7. The proposed amendments to the claims would overcome the rejections under 35 U.S.C. 112, second paragraph, and the claim objections set forth in sections 8-11 of the final Office action mailed September 9, 2011.

8. The rejection under 35 U.S.C. 112, first paragraph, set forth in section 7 of the final Office action mailed September 9, 2011, concerning the recitation of “a buckyketone” in claims 1 and 10 is withdrawn. The recitation of compounds 1 and 6 in the original disclosure of the invention plus the discussion of the ketone functionality in paragraph [0034] is deemed to provide implicit support for the claim terminology. Attorney’s arguments were sufficient for the examiner to re-consider his position and withdraw this part of the rejection, and accordingly it

was not necessary for the examiner to consider the declaration by Inventor Barron filed under 37 CFR 1.132 on December 9, 2011 and directed to the same issue.

The proposed amendment to claim 10 would overcome the rejection under 35 U.S.C. 112, first paragraph, set forth in section 7 of the final Office action mailed September 9, 2011, directed to polymers comprising two terminal amine groups (see the last 5 lines of the rejection).

Proposed new claims 23, 24, and 25 are supported by the original disclosure of the invention and would have been entered had they been submitted separately.

9. Because of the withdrawal of a portion of the rejection under 35 U.S.C. 112, first paragraph (see section 8 above), only claims 10-16 remain rejected under 35 U.S.C. 112, first paragraph. Claims 5-7, 12, 14-18, and 20 remain rejected under 35 U.S.C. 112, second paragraph. Claims 3, 4, 17, 18, and 20 remain objected to for the reasons set forth in sections 9 and 10 of the final Office action. Claim 2 is now objected to for the reason set forth in section 11 of the final Office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (571) 272-0969. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:30 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Cecilia Tsang can be reached at (571) 272-0562. The fax number for formal communications to be entered into the record is (571) 273-8300; for informal communications such as proposed amendments, the fax number (571) 273-0969 can be used. The telephone number for the Technology Center 1600 receptionist is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffrey E. Russel/
Primary Examiner, Art Unit 1654

JRussel
December 19, 2011